

IN THE DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HARVEY STEWART,

Plaintiff,

v.

ANTHONY J. PRINCIPI,  
SECRETARY U.S. DEPARTMENT  
OF VETERAN AFFAIRS,

Defendant.

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CASE NO.: 04-11598-WGY

**DEFENDANT'S ASSENTED-TO MOTION TO EXTEND TIME TO ANSWER OR  
OTHERWISE RESPOND TO COMPLAINT**

Defendant, Anthony J. Principi, as he is Secretary of the U.S. Department of Veteran Affairs, hereby moves for an extension of time, until and including October 5, 2004, to answer or otherwise respond to the Complaint. As good cause therefor, the undersigned avers that the brief extension is needed in order for counsel to complete the factual and legal research necessary to answer or otherwise respond to the allegations in plaintiff's Complaint. In accordance with Local Rule 7.1(a)(2), the undersigned conferred with plaintiff's counsel and plaintiff assents to this request and the relief sought therein.

WHEREFORE defendant asks that this motion be granted and that it be given until October 5, 2004, to respond to the Complaint.

Respectfully submitted,

By his attorney,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/Barbara Healy Smith  
Barbara Healy Smith  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3263

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that on September 23, 2004, she contacted plaintiff's counsel, regarding the grounds for and relief requested by this motion and Plaintiff assents to both.

/s/ Barbara Healy Smith  
Barbara Healy Smith  
Assistant U.S. Attorney